



CLOSED CASE SUMMARY

ISSUED DATE: JULY 24, 2020

CASE NUMBER: 2020OPA-0356

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that SPD did not investigate a hit and run accident due to his race.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 – Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

The Complainant called 911 to report that his parked car was struck by a unknown motorist who then fled the scene. He conveyed that a witness had left a card on his windshield with the license plate number of the subject vehicle. The 911 dispatcher informed the Complainant that his call would be placed into a queue and that an officer would contact him. An officer did not respond to the scene. The call was ultimately referred to SPD's Telephone Reporting Unit (TRU). The following day, an officer assigned to TRU called the Complainant regarding the hit and run. The Complainant was notified that SPD was unable to assign a detective to investigate non-felony collisions based on limited resources. Further investigation into the hit and run was not completed.

The Complainant later filed this OPA complaint in which he alleged that the hit and run was not investigated because of his status as a Black man. The Complainant expressed his frustration given that he pays taxes for police support that he did not receive. He also expressed that he wanted the other motorist arrested because this incident ultimately cost him \$5,000.

As part of its investigation, OPA interviewed the TRU Sergeant. He told OPA that officers are not dispatched by TRU unless it is a priority 1 or priority 2 incident. This is especially where, as was the case at the time of this incident, precincts are on priority calls only. The hit and run accident at issue here was priority 3.



OPA also interviewed the Sergeant who supervises SPD's Traffic Collision Investigation Squad (TCIS). He told OPA that TCIS detectives are only assigned to investigate felony hit and run collisions. He confirmed that hit and run collisions that solely result in property damage and not harm to individuals are not investigated by TCIS, regardless of the monetary cost of the damages.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

OPA understands the Complainant's frustration concerning the lack of an investigation into this matter. It is certainly unfair that he is required to pay \$5,000 as a victim of crime. That being said, SPD has limited resources and simply does not have the personnel to investigate all such cases. Operationally, SPD focuses on hit and runs that involve harm to people and OPA cannot say that, based on the totality of the circumstances, this is an unreasonable decision. SPD's staffing limitations are well documented, and the Department will continue to shrink as its budget is reduced over the coming months and years. As occurred here, SPD will simply be unable to respond to the vast majority of property crimes, if at all. Moreover, it is yet to be determined whether some other entity – civilian or otherwise – will be staffed and resourced to do so in the future.

With regard to the Complainant's claim that SPD did not respond to this incident based on his race, OPA finds that there is no evidence supporting this. Instead, as discussed above, the evidence establishes that the lack of a response was based on SPD policy and budget/operational constraints. There is no basis to conclude that race played any part in this decision-making.

As such, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**